



U. S. Department of Housing and Urban Development

New York/New Jersey Office
Jacob K. Javits Federal Building
26 Federal Plaza – Room 3430
New York, New York 10278-0068

**MEMORANDUM NO:
2004-NY-1801**

November 19, 2003

MEMORANDUM FOR: Joan K. Spilman, Director, Public Housing Division, 2CPH

Alexander C. Malloy

FROM: Alexander C. Malloy, Regional Inspector General for Audit, 2AGA

SUBJECT: Citizen Complaints
City of Oneida Housing Authority
Oneida, New York

INTRODUCTION

We completed a review of complaints involving the City of Oneida Housing Authority (OHA) and its former Executive Director. The review was initiated based on complaints filed with Congressman John M. McHugh's office by the employees and tenants (complainants) of the OHA. In general, the complainants' alleged that the OHA is being inadequately managed; lacks an acceptable work environment for OHA employees; has health and safety issues; and is imposing excessive administrative requirements on OHA tenants. Additionally, the Congressman asked the Office of Inspector General (OIG) to clarify why two adjacent OHA projects (Tower I and Tower II) are being operated under two different sets of rules and regulations. Therefore, the objectives of our review were to determine the veracity of the complainants' allegations, and to clarify why Tower I and Tower II are being operated under two different sets of rules and regulations.

The results of the review disclosed that all but one of the complainants' valid allegations have been addressed and /or resolved. The complaint that needs further action pertains to the tenants' concerns about certain information being requested on OHA's Occupancy Entrance Form. A recommendation is being made to require the Buffalo Field Office of the U. S. Department of Housing and Urban Development to obtain the form, evaluate OHA's use of it, and take all necessary actions to address the tenants' concerns about the form. Our evaluations of the complaints are discussed in the RESULT OF THE REVIEW section of this memorandum while the issue pertaining to why Tower I and Tower II are operating under two different sets of rules and regulations is addressed in the BACKGROUND section. In this regard, the review disclosed that the two towers are operating under two different sets of rules and regulations because they are receiving Federal assistance from two different Federal programs.

METHODOLOGY AND SCOPE

Our review was limited to the specific complaints made by OHA employees and tenants to The Office of Congressman John M. McHugh. To determine the veracity of the specific complaints, we: reviewed the documentation submitted by the complainants; interviewed the OHA Board of Directors; interviewed OHA employees; conducted inspections of OHA common areas; and reviewed pertinent documentation provided in support of the allegations and other applicable records maintained at the OHA administrative offices.

BACKGROUND

The OHA has two annual contributions contracts with the U. S. Department of Housing and Urban Development (HUD). Contract NY-645 includes 100 dwelling units at Tower I Apartments, which provides housing for the elderly, and 40 low-income family housing units at Herbert D. Brewer Apartments. Contract NY-674 includes 106 subsidized dwelling units under HUD's Section 8 Voucher Program, and 100 dwelling units of Section 8 New Construction (Tower II Apartments). Tower II is a high-rise development that provides housing for the elderly. It is located next to the conventional funded project, Tower I.

Tower I is a Public Housing Project for which the OHA receives HUD operating subsidy to assist in paying the operating expenses. Accordingly, HUD's Public Housing laws and regulations govern Tower I's operations.

In contrast, Tower II is a Section 8 New Construction project, which is owned by the Oneida Senior Citizen Housing II Development Corporation, an instrumentality of the OHA. The OHA receives Federal subsidy for each unit from HUD's Section 8 New Construction Program, which has its own set of rules and regulations. Accordingly, the OHA receives Federal assistance for Tower I and Tower II from two separate HUD programs, and is mandated to operate them using two different sets of rules and regulations.

A seven member Board of Directors governs the OHA. The Chairperson of the Board is Joyce Weimer. The day-to-day administration of the OHA, including the implementation of policies, is the responsibility of the Executive Director, Robert Walters. OHA's books and records are located at its administrative offices, which is located at 226 Farrier Avenue, Oneida, New York.

Prior to the submission of the complaint to the OIG hotline, employees of the OHA and a group of tenants made the Board aware of the allegations against the former Executive Director. Upon receiving the complaints, the Board initiated a review in accordance with its policies and met with the former Executive Director near the end of May 2003. Although confronted with the allegations by the Board, the former Executive Director did not respond to Board about the allegations. Since the former Executive Director did not respond to the Board regarding the staff's allegations, and since the Board had concerns with the former Executive Director's performance, the Board removed the Executive Director from her position at the OHA by resolution on May 28, 2003.

RESULTS OF THE REVIEW

The ten specific complaints, as outlined in the documentation forwarded to the OIG by The Office of Congressman John M. McHugh, and the results of our evaluation of each complaint, are as follows:

OHA Employee Complaints Against OHA's Former Executive Director

1. Complaint - Employees were not provided a copy of OHA's Personnel Policy.

Evaluation - The OHO currently has a Personnel Policy that is available to all employees; thus, the above stated complaint does not have merit.

2. Complaint - Employees were treated with little or no respect by the former Executive Director.

Evaluation -. Since the Executive Director is no longer an employee of the OHA, this matter is considered resolved.

3. Complaint -The former Executive Director ordered the Manager of Tower II to not discuss anything with OHA contractors, and stated that the Executive Director would see to all dealings with contractors.

Evaluation - Since the former Executive Director is not a current employee of the OHA, this matter is no longer an issue and is considered resolved.

4. Complaint - The former Executive Director threatened that if the OHA failed its REACT Inspection, it would be reflected on the Maintenance Department employees' annual evaluations, and that as a result, they would not receive a salary increase on April 1st.

Evaluation - Based on the results of interviews conducted during our review, the allegation stated above appears to be accurate. However, we were informed that no adverse action(s) were taken against any employees. Therefore, no further action regarding the stated allegation is warranted.

Tenant Complaints Against The OHA

5. Complaint - Excessive heat in Tower's II hallways.

Evaluation - This was a tenant complaint regarding excessive heat in Towers II hallways. We were informed that the PHA installed ceiling fans in the hallways earlier this year that reduced the temperature from 90 to 80 degrees. The OIG Auditors inspected the hallways and observed that the fans were operational and the temperature in the hallways was acceptable. Thus, no additional action regarding the above complaint is currently warranted.

6. **Complaint - Locking of Towers entrance doors was previously done at 9 PM, now it is 5 PM because there is no longer a 3 to 11 PM Maintenance shift.**

Evaluation – We were informed that the OHA locks certain doors at specified times for security reasons. According to the OHA, all tenants have keys to the entrance doors of their respective tower. In our opinion, the above complaint has been resolved since tenants have keys to the entrance doors.

7. **Complaint - Common area Tower floors are stripped, mopped and waxed during daytime hours. This has caused several injuries, including a broken hip that occurred one-day at 8AM. This kind of work should be done during periods of less traffic, for instance around 9PM.**

Evaluation – OHA's maintenance staff is on duty during daytime hours. As such, maintenance activities are generally carried out between the hours of 7 AM to 5 PM. Moreover, it is OHA's policy to place warning markers and signs in the areas where floors are being stripped, mopped and waxed. In addition, OHA officials contend that the broken hip incident referred to above did not have anything to do with mopping or waxing common area floors. In our opinion, we do not believe that the above complaint has enough merit to warrant any action at this time.

8. **Complaint - Tenants need more training on use of trash compactor. Metal has been put in the compactor, which has broken twice in a two-year period. An announcement from the OHA Administration Office said that if this happens again there would be no replacement.**

Evaluation - OHA officials confirmed that the trash compactor used by tenants has been broken twice in a two-year period due to misuse. However, the trash compactor was repaired both times at OHA expense and it is currently functioning properly. OHA officials further informed us that tenants have been given the opportunity to attend training regarding the proper use of the trash compactor. In this regard, we believe that OHA is addressing the tenants' need for training on the use of the trash compactor.

9. **Complaint - The fire lane outside the Towers has been blocked during times of heavy snow, as well as by maintenance trucks and vehicles of individuals that help out with noontime programs.**

Evaluation - We physically inspected the fire lane at the OHA site and found it to be unobstructed. OHA staff informed us that the fire lane is always clear of obstruction allowing for easy access by emergency vehicles. Thus, if the information in the above complaint was correct, it has apparently been resolved.

10. Complaint - Occupancy Entrance Forms and access to Office Staff.

- **Not enough space on Occupancy Entrance Forms, which need to be updated each year, to identify physical disabilities.**
- **Form asks for information regarding life and health insurance. Why?**
- **No one is in the Office in the evenings when most emergencies occur.**

Evaluation - The form referred to in the complaint is a supplemental occupancy form created by the OHA that requests certain personal tenant information. Although the form has limited space to identify physical disabilities, the OHA informed us that the tenants can write the information on page two or submit other documentation regarding their disabilities. As such, we do not believe that the complaint has merit; therefore, no action is deemed necessary.

We noted that the “Information Sheet” requests certain information on tenants’ insurance coverage and wills. OHA officials were unable to provide an adequate explanation as to why such information is requested and needed. As such, we recommend that OHA officials seek advise from its counsel and appropriate HUD representatives regarding the use of the Occupancy Entrance Forms.

As for the allegation regarding tenants ability to contact staff during evening hours in the event of an emergency, OHA officials stated that tenants have been provided with phone numbers of selected staff members who are on call 24 hours a day for emergency purposes.

Conclusions Of The Review

The results of our review disclosed that all but one of the complainants’ valid allegations have been addressed and/or resolved as a result of actions taken by OHA officials and it’s Board of Directors. The Board’s actions concerning the former Executive Director have addressed the complaints of the OHA employees. Concerning the tenant complaints, we found that all of them have been resolved except the one pertaining to the tenants’ concern as to why certain information is requested on OHA’s Occupancy Entrance Form (see item 10 above). In this regard, we recommend that the Director of Public Housing of the HUD Buffalo Field Office obtain the form, evaluate OHA’s use of it, and take all necessary actions to address the tenants’ concerns about the form.

Should you or your staff have any questions, please contact Garry Clugston, Assistant Regional Inspector General for Audit at (716) 551-5755, extension 5901.